



MINUTES OF THE COMMON COUNCIL

MONDAY, FEBRUARY 18, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, A. Kocha, J. Moore, D. Boyce, J. Warner, M. Steuer, T. Sladek. Excused: J. Brunette, B. Danzinger.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Nicholson, seconded by Ald. Tim DeWane to approve the minutes of the February 5, 2013, meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to approve the agenda. Motion carried.

REPORT BY THE MAYOR

Mayor Schmitt stated that the State of the City Address will be on March 20 at 5:00 P.M. at the Meyer Theater.

RECONSIDERATION

Request by Ald. Boyce to reconsider the motion to approve Tom Molitor as Chief of Police with an exception to the City's residency policy.

Moved by Ald. Boyce, seconded by Ald. Nicholson to request Council's consent to allow Ald. Boyce to change his vote. Motion carried.

Ald. Boyce changed his vote regarding the residency of the Chief of Police.

APPOINTMENTS BY THE MAYOR

RE-APPOINTMENTS:

Downtown Business Improvement District Board

Daniel Young, 2200 Riverside Drive, Green Bay, WI 54301

Term to expire: December 31, 2015

Rick Chernick, 529 N. Monroe Avenue, Green Bay, WI 54301

Term to expire: December 31, 2015

On Broadway Business Improvement District Board

Chad Van Handel, 1739 14th Ave., Green Bay, WI 54304

Term to expire: December 31, 2015

Olde Main Street Business Improvement District Board

Jim Wochinske, 1123 Cedar Street, Green Bay, WI 54302

Term to expire: January 5, 2016

Room Tax Commission

Martin Webber, 3307 Beach Lane, Green Bay, WI 54311

Term to expire: November 1, 2013

Richard Pigeon, 2872 Nicolet Drive, Green Bay, WI 54311

Term to expire: November 1, 2013

Traffic Commission

Charles Karow, 2964 Sonoran Trail, Green Bay, WI 54313

Term to expire: March 1, 2016

Transit Commission

Roger Kolb, 2320 Newberry Avenue, Green Bay, WI 54302

Term to expire: February 1, 2016

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to confirm the re-appointments. Motion carried.

NEW APPOINTMENTS:

Business Improvement District Board

Craig Dickman, 400 S. Washington Street, Green Bay, WI 54301

Term to expire: December 31, 2014

Traffic Commission

Victoria Jones, 1706 King of Arms Drive, Green Bay, WI 54313

Term to expire: March 1, 2016

Moved by Ald. Nicholson, seconded by Ald. Tim DeWane to confirm the new appointments. Motion carried.

PETITIONS & COMMUNICATIONS

FINANCE COMMITTEE/ASSESSOR'S OFFICE

Request by Ald. Steuer to know the process by which a property owner can appeal a property tax bill that seems unjust, even though State Statute 70.10 states that any property owner who owns property on January 1 needs to pay property taxes for that ensuring year.

IMPROVEMENT & SERVICE COMMITTEE

Applications for Tree & Brush Trimmer Licenses by the following:

- A. Big Boys Landscape & Snow Services, LLC
- B. S & D Tree Service, LLC

LAW DEPARTMENT

Requests by Ald. Steuer for the following:

- A. Clarification on what constitutes a closed-session item. Some citizens are concerned that they should be informed on a variety of such stated matters.
- B. Various City Committees have opted to close the floor on certain issues. Often, citizens feel that their democratic privileges are being denied.

PERSONNEL COMMITTEE

Request by Ald. Steuer to see a comparison study of the top ten cities in WI with respect to population in regards to residency requirements for department heads, as well as the City employees at large.

PLAN COMMISSION

Request by Ald. Steuer to see a comprehensive timeline on the Vetter-Denk downtown project and the reasons why decisions were made that affected this project.

PROTECTION & WELFARE COMMITTEE

Request by St. Brendan's Inn, 234 S. Washington Street, to hold outdoor events on March 16 & 17, 2013.

Application for a Class "B" Beverage and a Class "C" Wine License by Auten's Eatery, LLC at 1015 W. Mason Street.

Application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street.

Appeal by Star Hill to chronic nuisance charges at 2526 Trojan Drive.

TRAFFIC COMMISSION

Request by Ald. Sladek to change parking restrictions to 2-hour parking from 1-hour parking for the easternmost portion of Laredo Lane and the part of Delray Drive which extends north of Trojan Drive.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION February 18, 2013

The Green Bay Plan Commission, having met on Monday, February 11, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To rezone 2001 to 2035 Manitowoc Road (Tax Parcels: 21-1358-3, 21-1358-4, 21-1358) and the southern portion of 2010-2014 Vine Street (Tax Parcel 21-1361-3) from General Commercial (C1) to Varied Density Residential (R3).
2. To table the request to amend the Conditional Use Permit (CUP) to allow for a temporary homeless shelter to house 84 guests and to eliminate condition (j) from the previous CUP approval located at 411 St. John Street for 60 days with no fines being incurred going forward until the issue is resolved and a solution is found.
3. To rezone 1545 University Avenue and 1525 University Avenue from Light Industrial (LI) to General Commercial (C1).
4. To approve the Request for Proposals for the Downtown Master Plan Update.

Moved by Ald. Wiezbiskie, seconded by Ald. Nicholson to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY

February 18, 2013

The Green Bay Redevelopment Authority, having met on Tuesday, February 12, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To use \$12,000 from the Neighborhood Enhancement fund to purchase computers for four (4) Community Service Intern vehicles.
2. To direct staff to proceed with the Request for Proposals for the Downtown Master Plan Update.

Moved by Ald. Wiezbiskie, seconded by Ald. Nicholson to adopt the report with the exception of Item #1. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Moore to adopt Item #1. Motion carried.

REPORT OF THE FINANCE COMMITTEE

February 26, 2013

The Finance Committee, having met on Tuesday, February 12, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the minutes of the Finance Committee meeting of January 22, 2013.
2. To approve the request of the Finance Director, on behalf of the City Assessor, to cancel certain real and personal property taxes.
3. To award the purchase of an 16' Rotary Mower to Horst Distributing for the amount of \$68,979.
4. To award the purchase of an Aerial Life Truck to Utility Sales & Service for \$94,926.
5. To approve the purchase of services from Baycom, Inc. in the amount of \$20,390 for programming and upgrades to 275 Police Department mobile radios.
6. To receive and place on file the report by the Finance Director.
 - a. To receive and place on file the introduction of Rick Jensen as the new Purchasing Manager.
 - b. To receive and place on file the request by the Finance Director to

make the clerical correction of where the funds are being held for the purchase of the Rotary Mower and the Aerial Lift Truck.

2013 Contingency Fund
\$110,000

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report. Motion carried.

**REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
February 18, 2013**

The Improvement and Service Committee, having met on February 13, 2013 considered all matters on its agenda and wishes to report and recommend the following:

1. To deny the request by Manuel Ramirez to rescind the early set out charge of \$55.10 at 896 Dousman Street.
2. To approve the request by Don Calhoun, Chip Stacks, Inc., for an Air Rights Easement to install a flag-mount sign into City-owned right-of-way in front of the property located at 414 Dousman Street subject to proof of insurance and the execution of a hold harmless agreement with the City.
3. To approve of the 2013 Special Assessment factors and rates.
4. To set the interest rate for unpaid special assessments that are levied in 2013 at 4.75%.
5. To receive and place on file the 2013 DPW Report "Conversion to Automated Recycling and Solid Waste Collection" and direct staff to draft ordinance language to address the storage and placement of recycling and/or garbage carts and any other changes to the ordinance that may be impacted with the implementation of the proposed plan.
6.
 - A. To approve the request to award a two year contract (2013/2014) for City Wide Televised Sewer Inspection Services to Green Bay Pipe & TV, LLC, the low responsive vendor for the amount of \$328,360.
 - B. To approve the request to award a contract for 2013 for Televised Sewer Inspection Services – Basins A, D, QQ, WW, & XX to Northern Pipe Equipment, Inc., the low responsive vendor, for the amount of \$435,716.
7. To approve the applications for Tree & Brush Trimmer Licensees by the following:

- A. A-1 Tree Service, Inc
 - B. Wright Tree Service, Inc
8. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
- A. IEI General Contractors, Inc
 - B. Ramco Construction Services, LLC
 - C. Kurowski Construction
 - D. Delrar, Inc
9. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report. Motion carried.

REPORT OF THE PARK COMMITTEE February 18, 2013

The Park Committee, having met on Wednesday, February 13, 2013, considered all matters on its agenda and wishes to report and recommend the following:

- 1. To approve a request by Jenny VandeLeest representing Golden House to host *Walk A Mile In Her Shoes* event on Saturday, April 20, 2013 at CityDeck contingent upon all fees, proper permits, special event approval and insurances being obtained.
- 2. To approve a request by Ann Scholl representing Run Away Shoes to host *Run Away To The Bay*, a 55 mile run ending at CityDeck on Saturday, April 27, 2013 contingent upon all fees, proper permits, special event approval and insurances being obtained.
- 3. To approve a request by the Green Bay Area Catholic Education System (GRACE) to host *A Walk To Mary* event on Saturday, May 4, 2013 contingent upon all fees, proper permits, special event approval and insurances being obtained
- 4. To receive and place on file the Director's Report.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt the report. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE February 18, 2013

The Personnel Committee, having met on Tuesday, February 12, 2013 considered all matters on its agenda and reports and recommends the following:

1. To approve the request to fill the Account Clerk II position in Finance and all subsequent vacancies resulting from internal transfers.
2. To receive and place on file the information provided by Police and Fire Commission President Goldhahn on why the Assistant Police Chief isn't automatically appointed as the Interim Police Chief when the Police Chief vacates the position.
3. To refer the animal control services contracts with Villages of Allouez and Ashwaubenon and City of DePere to the Police Chief for review and a recommendation at the next Personnel Committee meeting.
4. To receive and place on file the discussion to eliminate (1)(a) of City Ordinance, Chapter 1.80 and Section 5.1.1 of City Personnel Policy - Chapter 5, Residency pertaining to the City employee residency requirement to allow Department Heads to reside outside the City limits. 3-1 vote – Ald. Kocha voting nay.
5. To receive and place on file the review of the City-wide policy regarding administration of comp-time for exempt employees.
6. To refer the review and update on the exit interview policy and to refer the voluntary survey of employees living outside City limits with the goal of determining reasons and what improvements they would like to see to encourage residency in City of Green Bay to Human Resources.
7. To receive and place on file the recommendation to approve a contract with Healics as the vendor to conduct the City's health risk assessments.
8. To proceed with labor negotiations as discussed in closed session.
9. To receive and place on file the report of routine Personnel Actions for regular employees.

Moved by Ald. Thomas DeWane, seconded by Ald. Tim DeWane to adopt the report.
Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

February 18, 2013

The Protection & Welfare Committee, having met on Monday, February 11, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the minutes from the January 28, 2013 meeting.
2. To approve the application for an available "Class B" Combination by Pickled Restaurants, LLC at 1301 S. Broadway with the approval of the proper authorities.
3. To approve the request by the owners of Pearly Gates, 3551 Finger Road, to hold an outdoor event on July 13. The approval of the request is subject to complaint.
4. To approve the request by the owners of Shenanigan's Pub, 1279 Main Street, to have a tent behind their building on March 15-19 and to hold an outdoor event on March 16 and 17. The approval of the request is subject to complaint.
5. To deny the application for an Entertainment Facility License by Lavell Stokes at 913 E. Walnut Street.
6. To approve the appeal by Andrew W. Becks to the denial of his Operator License application (referred back from the February 5, 2013 Common Council meeting).
7. To approve the request by Ald. Sladek to revise the Green Bay Municipal Code to incorporate Wis. Admin. Code NR 19.60 relating to feeding of wild animals (postponed from the January 28, 2013 meeting).
8. To postpone until the next meeting the request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring (postponed from the January 28, 2013 meeting).
9. To approve the request by staff to amend Green Bay Municipal Code 16.07(1) relating to building sanitary sewers.

Moved by Ald. Wiezbiskie, seconded by Ald. Nicholson to adopt the report with the exception of Items #3 and #5. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to adopt Item #3. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt Item #5. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES

February 18, 2013

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Alvarez, Gustavo Jr
Alvarez, Julia
Brunette, Brittani R
Chaney, Danielle D
Conard, Nathan I
Gunderson, Megan M
Hargrove, Cierra B
Haufe, Alesia J
Knox, Ashley W
Laurence, Sally J
Lemerond, Kenneth J
Ostrowski, Zach A
Parker, Mary A
Sapper, Adam H
Skenadore, Chadene M
Vargas, Amber A
Waniger, McKenzie M
Wooldridge, Jennifer M

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to adopt the report. Motion carried.

RECEIVE & PLACE ON FILE

Municipal Court Report for January, 2013.

City of Green Bay Trial Balance Report for January, 2013.

City of Green Bay Check Register for January, 2013.

Building Permit Report for January, 2013.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to receive the matters and place them on file. Motion carried.

RESOLUTIONS

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION FEBRUARY 18, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. RESURFACING 1-12 PART B

Northeast Asphalt, Inc.

TOTAL AMOUNT EARNED:	\$1,071,164.48
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$1,071,164.48
LESS AMOUNT PREVIOUSLY PAID:	<u>\$1,066,164.48</u>
AMOUNT DUE THIS ESTIMATE:	\$ 5,000.00

ACCOUNT NUMBERS

401-50-500-501-55303-000000-000-61042: \$5,000.00
PO #105092

2. MAIN STREET BRIDGE COUNTERWEIGHT REPAIRS

Lunda Construction, Co.

TOTAL AMOUNT EARNED:	\$ 598,103.04
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 598,103.04
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 582,085.62</u>
AMOUNT DUE THIS ESTIMATE:	\$ 16,017.42

ACCOUNT NUMBERS

401-50-500-501-55310-000000-000-64031: \$16,017.42
PO #105168

3. PAVEMENT REPAIR 2012

Sam Sommers Concrete

TOTAL AMOUNT EARNED:	\$ 267,160.88
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 267,160.88
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 219,645.61</u>
AMOUNT DUE THIS ESTIMATE:	\$ 47,515.27

ACCOUNT NUMBERS

401-50-500-501-55301-000000-000-61022: \$47,515.27

PO #105080

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING REFUND/CANCELLATION
OF 2012 PERSONAL PROPERTY TAXES**

February 18, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, as per the recommendation of the Finance Committee at its meeting of February 12, 2013, the following 2012 personal property taxes be refunded or cancelled:

<u>Account</u>	<u>Amount</u>
9522 Titletown Fitness	\$198.80 (refund)
18933 Halron Lubricants Inc.	97.10 (refund)
17753 Green Bay Pipe & TV LLC	330.60 (refund)
20139 Electronic Data Systems Corp.	41.60 (refund)
22859 Green Bay Rebuilders	231.20 (cancel)
22865 Inkdrop Arthaus	23.20 (cancel)
19424 The Art Garage	92.40 (refund)
21717 Stanley Art Gallery & Art Supply	30.00 (cancel)
11661 All About Kids Child Care Center	462.30 (cancel)
20968 Besiada Health Innovators LLC	323.60 (cancel)

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING A RELOCATION ORDER FOR
MONROE AVENUE (STH 57) – CASS STREET TO MAIN STREET
PROJECT I.D. 1481-07-21
February 18, 2013**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the Common Council of Green Bay finds and determines that:

WHEREAS, the property establishing, laying out, widening, enlarging, extending, construction, reconstruction, improving, or maintaining a portion of a street/easement now designated as:

MONROE AVENUE (STH 57) – CASS STREET TO MAIN STREET

and roads or lands in and about and leading to same, requires certain relocation or changes and the acquisition of lands or interests in lands as shown on the map or copy thereof marked:

“PLAT OF RIGHT-OF-WAY REQUIRED FOR
MONROE AVENUE (STH 57) – CASS STREET TO MAIN STREET”

City of Green Bay, Brown County Wisconsin, dated February 18, 2013

pursuant to its authority under Section 62.22 and 62.23(10), Wisconsin Statutes,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT:

1. The said street/easement is hereby laid out and established to the lines and widths as shown on the said plat.
2. The required lands or interests in lands as shown in the plat shall be acquired in the name of the City of Green Bay.
3. This order supersedes and amends any previous order issued by the City of Green Bay.

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

ATTEST:

Kris Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

**PRELIMINARY RESOLUTION DECLARING INTENT
TO EXERCISE SPECIAL ASSESSMENT POWERS
UNDER SECTION 66.0703, WISCONSIN STATUTES
FEBRUARY 18, 2013**

SANITARY SEWER AND/OR SANITARY SEWER LATERALS

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

1. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of SANITARY SEWER AND/OR SANITARY SEWER LATERALS on said streets:

BART STARR DRIVE – Tony Canadeo Run to Potts Avenue

2. Said public improvements may include the installation of sanitary sewer and sanitary sewer laterals with necessary appurtenances in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing or in five (5) annual installments with interest thereon at four and three-quarter percent (4.75%) per annum unless the assessments are required to be prepaid in accordance with Section 9.44, Code of Ordinances of the City of Green Bay. If the assessments are required to be prepaid and are not, but the City, in its exercise of its police powers, levies the assessments and deems that the performance of the work is in the best interests of the City, the assessments shall be paid in cash within thirty (30) days of the date of billing, or they will be placed on the current tax roll as a lien against the property unless otherwise deferred pursuant to ordinance.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk is directed to give notice to the property owners of a public hearing on such report within such time limits as required by Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

**PRELIMINARY RESOLUTION DECLARING INTENT
TO EXERCISE SPECIAL ASSESSMENT POWERS
UNDER SECTION 66.0703, WISCONSIN STATUTES
FEBRUARY 18, 2013**

STORM SEWER AND/OR STORM SEWER LATERALS

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

2. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of STORM SEWER AND/OR STORM SEWER LATERALS on said streets:

BART STARR DRIVE – Tony Canadeo Run to Potts Avenue

2. Said public improvements may include the installation of storm sewer and storm sewer laterals with necessary appurtenances in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing or in five (5) annual installments with interest thereon at four and three-quarter percent (4.75%) per annum unless the assessments are required to be prepaid in accordance with Section 9.44, Code of Ordinances of the City of Green Bay. If the assessments are required to be prepaid and are not, but the City, in its exercise of its police powers, levies the assessments and deems that the performance of the work is in the best interests of the City, the assessments shall be paid in cash within thirty (30) days of the date of billing, or they will be placed on the current tax roll as a lien against the property unless otherwise deferred pursuant to ordinance.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
7. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.

7. Upon receiving the report, the City Clerk is directed to give notice to the property owners of a public hearing on such report within such time limits as required by Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

**PRELIMINARY RESOLUTION DECLARING INTENT
TO EXERCISE SPECIAL ASSESSMENT POWERS
UNDER SECTION 66.0703, WISCONSIN STATUTES**

February 18, 2013

WATER MAIN AND/OR WATER SERVICES

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

1. **The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of WATER MAIN AND WATER SERVICES on said streets:**

BART STARR DRIVE – Tony Canadeo Run to Potts Avenue

2. Said public improvements may include the installation of water main and water services with necessary appurtenances in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.

3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing or in five (5) annual installments with interest thereon at four and three-quarters percent (4.75%) per annum unless the assessments are required to be prepaid in accordance with Section 9.44, Code of Ordinances of the City of Green Bay. If the assessments are required to be prepaid and are not, but the City, in its exercise of its police powers, levies the assessments and deems that the performance of the work is in the best interests of the City, the assessments shall be paid in cash within thirty (30) days of the date of billing, or they will be placed on the current tax roll as a lien against the property unless otherwise deferred pursuant to ordinance.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The General Manager of the Water Department is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk is directed to give notice to the property owners of a public hearing on such report within such time limits as required by Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted February 18, 2013

Approved February 19, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 3-13

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zone:

QUINCY STREET, west side, from Emilie Street to a point
280 feet north of Emilie Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING BUS LOADING ONLY 7:00 AM – 4:00 PM SCHOOL DAYS zone:

QUINCY STREET, west side, from a point 230 feet south of
Eliza Street to Eliza Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

QUINCY STREET, west side, from Emilie Street to Eliza
Street

MAPLE AVENUE, east side, from Dousman Street to
Kellogg Street

FAGERVILLE WAY, north side, from a point 350 feet west of
Sussex Road to Sussex Road

HARVEY STREET, south side, from Baird Street to Grove
Street

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

BORNEMANN STREET, west side, from a point 100 feet south of Brook Street to a point 235 feet south of Brook Street

MAPLE AVENUE, west side, from Dousman Street to a point 115 feet north of Dousman Street

GATEWOOD STREET, east side, from a point 110 feet south of Biemeret Street to Biemeret Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING zone:

MAPLE AVENUE, east side, from Dousman Street to Kellogg Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING zone:

MAPLE AVENUE, west side, from Dousman Street to Kellogg Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

FAGERVILLE WAY, north side, from a point 400 feet west of Sussex Road to Sussex Road

GATEWOOD STREET, east side, from Liberty Street to a point 110 feet south of Biemeret Street

SECTION 8. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING BUS LOADING ONLY 7:00 AM – 4:00 PM SCHOOL DAYS zone:

GATEWOOD STREET, east side, from a point 250 feet north of Liberty Street to Biemeret Street

SECTION 9. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zone:

HARVEY STREET, both sides, from Baird Street to Grove Street

SECTION 10. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 4-13

AN ORDINANCE AMENDING SECTION 29.307, GREEN BAY MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.307, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-WAY STOP condition:

STUART STREET at JACKSON STREET

SECTION 2. Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY STOP conditions:

Eastbound STUART STREET at JACKSON STREET

Westbound STUART STREET at VAN BUREN STREET

SECTION 3. Section 29.307, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-WAY YIELD condition:

VAN BUREN STREET at STUART STREET

SECTION 4. Section 29.307, Green Bay Municipal Code, is hereby amended by adding thereto the following ONE-WAY YIELD conditions:

EILEEN STREET at HAMPTON AVENUE

ROBINSON AVENUE at HAMPTON AVENUE

SECTION 5. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 5-13

AN ORDINANCE
AMENDING SECTION 16.07(1),
GREEN BAY MUNICIPAL CODE,
REGARDING BUILDING SANITARY SEWERS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 16.07(1), Green Bay Municipal Code, is amended to read as follows:

16.07 **BUILDING SANITARY SEWERS.**

(1) **REQUIRED.** Every building shall have a separate and independent connection with a public main sanitary sewer and private sewage treatment and disposal system or private main sanitary sewer. Each private main sanitary sewer shall conform to City standards for public sewers and shall be approved by the Plumbing Supervisor. Manholes shall be located not less than 25' from any building.

(a) EXEMPTION. Upon proof of the following, the Director of Public Works, or designee, may grant an exemption from the requirements of sub. (1):

1. The building is zoned Low Density Residential (R1) and is located within the City's Urban Expansion District,

2. The purpose of the exemption is to retrofit existing infrastructure that has been installed but not dedicated to the public and/or accepted as public right-of-way,

3. An easement shall be placed on the face of the recorded subdivision plat, certified survey map (CSM) or replat which addresses the location of any shared lateral and identifies the ownership and maintenance responsibilities for the shared lateral from the common point of connection back to the sanitary sewer main.

4. Compliance with any other requirement that the Director of Public Works, or designee, deems necessary.

(b) APPEAL. Any individual or entity, whose request for an exemption has been denied by the Director of Public Works, or designee, may appeal such determination to the Improvement and Services Committee. Upon appeal, the Improvement and Services

Committee shall determine if the Director of Public Works determination was reasonable and in accordance with para. (a). After making such determination the Improvement and Services Committee shall forward its recommendation to the Common Council.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 6-13

AN ORDINANCE REPEALING AND RECREATING SECTION 8.14, GREEN BAY MUNICIPAL CODE, RELATING TO FEEDING WILD ANIMALS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 8.14, Green Bay Municipal Code, is repealed and recreated to read as follows:

8.14 FEEDING OF WILD ANIMALS PROHIBITED. Section NR 19.60, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted as though fully set forth herein.

~~**FEEDING OF DEER PROHIBITED.** (Cr. GO 42-01) No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.~~

~~—— (1) **PRESUMPTION.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:~~

~~—— (a) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.~~

~~—— (b) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.~~

~~—— (2) **EXCEPTIONS.** This ordinance shall not apply to the following situations:~~

~~—— (a) **Hunting.** The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.~~

~~—— (b) **Naturally Growing Materials.** Naturally growing grain, fruit or vegetable material, including gardens.~~

~~—— (c) **Bird Feeders.** Unmodified commercially purchased bird feeders or their equivalent.~~

~~—— (d) **Authorized by the Common Council.** Deer feeding may be authorized on a temporary basis by the Common Council for a specific public purpose as determined by the Common Council.~~

~~—— (e) **Counting.** Deer feeding may be authorized on a temporary basis by the Deer Control Officer for the purpose of determining the deer population.~~

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____,
2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 1-13

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 2001 – 2035 MANITOWOC ROAD AND
THE SOUTH PORTION OF 2010 – 2014 VINE STREET
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO VARIED DENSITY RESIDENTIAL (R3) DISTRICT
(ZP 13-01)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Commercial (C1) District to Varied Density Residential (R3) District:

2001 Manitowoc Road (Parcel No. 21-1358-3); THAT PRT OF E 1/2 OF
LOT 25 ASTORS PLAT OF PC 3-7 ESRF DESC IN 885 R 440

2021-2025 Manitowoc Road (Parcel No. 21-1358): ASTORS SUBD OF PC 3 TO 7 E E 1/2 LOT 25 LYG N & E OF MANITOWOC ROAD & EX PRT DESC AS PCL A OF 1 CSM 641 BCR & EX PCLS B & C IN 2 CSM 365 BCR EX PRT DES IN 818 R 96 EX PRT DESC IN 885 R 440 & EX PRT DESC IN 936 R 412 & EX 1009 R 188

2035 Manitowoc Road (Parcel No. 21-1358-4): ASTORS SUBD OF PC 3-7 ESR THAT PRT OF E 1/2 OF LOT 25 AS DESC IN 1009 R 188

2010-2014 Vine Street (Parcel No. 21-1361-3): THE SOUTHERN 175 FEET OF THE PARCEL THAT IS PART OF LOTS 25 & 26 PLAT OF PC 3-4-5-6 & 7 DESC IN 936 R 412 & EX ST IN 1064 R 293

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 2-13

AN ORDINANCE
REZONING PROPERTY LOCATED

AT 1525 AND 1545 UNIVERSITY AVENUE
FROM LIGHT INDUSTRIAL (LI) DISTRICT
TO GENERAL COMMERCIAL (C1) DISTRICT
(ZP 13-04)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Light Industrial (LI) District to General Commercial (C1) District:

1525 University Avenue (Parcel No. 19-586): L LARSCHEIDS SUBD OF
LOTS 40-41-42 & PART OF 43 NEWBERRYS SUBD #1 LOTS 12 & 13 E
10 FT OF LOT 11 & S 33 FT OF LOTS 26 & 27

1545 University Avenue (Parcel No. 19-50): PRT OF LOTS 14 & 28
LORENZ LARSCHEID'S SUBD & PRT OF LOT 43 NEWBERRYS ADDN
SUBD # 1 DESC IN 1702965 & 1/2 VAC ST ADJ IN 2343476

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

Moved by Ald. Wiezbiskie, seconded by Ald. Warner to suspend the rules for the purpose of adopting both ordinances with one roll call vote. Motion carried.

GENERAL ORDINANCE NO. 2-13

AN ORDINANCE REPEALING AND RECREATING SECTION 21.09, GREEN BAY MUNICIPAL CODE, RELATING TO CROSS-CONNECTION CONTROL PROGRAM

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 21.09, Green Bay Municipal Code, is hereby repealed:

21.09 **CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION.**
(Rep. & Rec. GO 18-02)

(1) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Green Bay Water Utility (hereinafter "Utility") distribution pipes of the potable supply of water from any source.

(b) Backflow Preventer. A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

(d) Back-siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

(e) Cross-connection. Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or

steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) Cross-Connection Prohibited. No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.

(3) Inspections. It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected on a 10-year interval. All non-residential properties serviced by the Utility shall be inspected on a 2-year interval. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.

(4) Right of Entry. Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under §66.0119, Wis. Stats. The Utility shall charge the property owner a fee of \$20 per day for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(5) Authority to Discontinue Service. The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 811 or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in subsection (7) of this section.

(6) Reconnection of Service. Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.

(7) Emergency Discontinuance of Service. If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the City of Green Bay Water Commission and shall conform to all existing due process requirements.

(8) Owner Responsibility. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 811 and Comm 82. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control", unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.

(9) Additional Protection. In the case of premises having (a) internal cross-connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue

health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

(10) Wisconsin Administrative Code. Wisconsin Administrative Code 82 is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 811 is hereby adopted.

(11) Plumbing Code. This section does not supersede the State of Wisconsin Plumbing Code, Comm 81 – 87, or the City Plumbing Code, Ch. 16, Green Bay Municipal Code, but is supplementary to them.

SECTION 2. Section 21.09, Green Bay Municipal Code, is recreated as follows:

21.09 CROSS-CONNECTION CONTROL PROGRAM. The Green Bay Water Utility shall cause a cross-connection survey to be conducted and enforce this subsection.

(1) **ADOPTED STATE LAW.**

(a) **Definitions.** Section SPS 381.01, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(b) **Cross-Connections.** Sections NR 810.15 and SPS 382.41, Wis. Adm. Code, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(c) **Local Well Regulation.** Section NR 810.16, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(2) **SURVEYS.** Cross-Connection Surveyors must meet the qualifications contained in the City of Green Bay's Cross-Connection Control Plan as approved by the Wisconsin DNR. The water utility shall cause a survey for every residential service on a schedule matching meter replacement. The water utility shall cause a survey of every industrial, commercial and public authority service a minimum of once every two (2) years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. The water utility may obtain a special inspection warrant if consent to entry for survey purposes has been refused.

(3) **DISCONTINUANCE OF WATER SERVICE.** Section PSC 185.37, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(4) REGULATIONS. The owner of a property shall install a backflow preventer, air-gap separation, or other mechanism at the service connection to protect the public water system upon demand of the water utility for any of the following reasons:

- (a) An internal cross-connection cannot be permanently corrected or controlled.
- (b) Plumbing system is designed in a manner that it is impracticable or impossible to ascertain whether cross-connections exist.
- (c) A dangerous material is handled in such a manner on site that it creates an actual or potential health hazard to the public water system.
- (d) The plumbing system services a sewage treatment plant, hospital, mortuary, plating plant or car wash.
- (e) An undue health threat is posed because of the presence of toxic substances at the plumbing system's site.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 18th day of February, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

PLANNING ORDINANCE NO. 3-12

AN ORDINANCE
AMENDING THE OFFICIAL MAP
OF THE CITY OF GREEN BAY TO

ESTABLISH PLAT OF RIGHT-OF-WAY
FOR MONROE AVENUE RECONSTRUCTION
(ROW 12-01)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended by establishing a Plat of Right-of-Way for the Monroe Avenue reconstruction, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 18th day of February, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

LEGAL DESCRIPTION FOR
PLANNING ORDINANCE NO. 1-12
AMENDING THE OFFICIAL MAP
OF THE CITY OF GREEN BAY TO
ESTABLISH A PLAT OF RIGHT-OF-WAY
FOR MONROE AVENUE RECONSTRUCTION

Part of Lot 1, Block 32, Plat of Astor, City of Green Bay, Brown County, Wisconsin.
Excepting that part previously conveyed for street purposes.

Part of tax parcel number 15-157.

Part of Lot 16, Block 33, Plat of Astor, City of Green Bay, Brown County, Wisconsin.
Excepting that part previously conveyed for street purposes.

Part of tax parcel number 14-353.

Part of Lot 9, Block 34, Plat of Astor, City of Green Bay, Brown County, Wisconsin.
Excepting that part previously conveyed for street purposes.

Part of tax parcel number 14-360.

Part of Lots 10 and 11, Block 34, Plat of Astor, City of Green Bay, Brown County,
Wisconsin.

Part of tax parcel number 14-361.

Part of Lot 12 and the south 6 feet of Lot 13, Block 34, Plat of Astor, City of Green Bay,
Brown County, Wisconsin.

Part of tax parcel number 14-362.

Part of Lot 13, Block 34, Plat of Astor, City of Green Bay, Brown County, Wisconsin.
Excepting the south 6 feet of said Lot 13.

Part of tax parcel number 14-363.

Part of Lot 14 and part of the easterly 140 feet of the south 20 feet of Lot 15, Block 34,
Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-364.

Part of the east 77 feet of Lot 8 and part of the east 77 feet of the south 7.5 feet of Lot 7,
Block 31, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 15-142.

Part of the north 52.5 feet of the east 77 feet of Lot 7, and part of the south 3.5 feet of
the east 77 feet of Lot 6, Block 31, Plat of Astor, City of Green Bay, Brown County,
Wisconsin.

Part of tax parcel number 15-144.

Part of the common elements of The Argyl Condominium, City of Green Bay, Brown County, Wisconsin.

Tax parcel numbers 15-172 through 15-178.

Part of Lot 6, Block 30, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 15-129.

Part of the east 140 feet of Lots 4 and 5, Block 30, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 15-128.

Part of Lots 1, 2 and 3, Block 30, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the south 12 feet of the west 24 feet of said Lot 3.

Part of tax parcel number 15-122.

Part of Lot 11, Block 35, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-383.

Part of Lots 12 and 13, Block 35, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-385.

Part of Lot 14, Block 35, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-386.

Part of Lot 1 of the Brown County Certified Survey Map number 7987, as filed in Volume 55 of Certified Survey Maps, Page 200, (being part of Lots 15 and 16, Block 35, Plat of Astor), City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-387.

Part of the west 85 feet of Lot 9, and part of the south 5 feet of the west 100 feet of Lot 10, Block 36, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part previously conveyed for street purposes.

Part of tax parcel number 14-400.

Part of the north 55 feet of the west 100 feet of Lot 10, Block 36, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-401.

Part of Lots 11 and 12, and part of the south 5 feet of Lot 13, Block 36, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-402.

Part of Lots 14, 15 and 16, and part of the north 55 feet of Lot 13, Block 36, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-403.

Part of the south 20 feet of the east one-half of Lot 7, and part of the east one-half of Lot 8, Block 29, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part previously conveyed for street purposes.

Part of tax parcel number 13-169.

Part of the south 5 feet of the east one-half of Lot 6, and part of the north 40 feet of the east one-half of Lot 7, Block 29, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-168.

Part of the south 45 feet of Lot 4, and part of Lot 5, and part of Lot 6, Block 29, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the south 5 feet of the east one-half of said Lot 6.

Part of tax parcel number 13-165.

Part of Lot 3, and part of the north 15 feet of Lot 4, Block 29, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-164.

Part of Lot 1 of the Brown County Certified Survey Map number 6578, as filed in Volume 44 of Certified Survey Maps, Page 48, (being part of Lots 1 and 2, Block 29, Plat of Astor), City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-163.

Part of Lots 6 and 7, Block 28, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-153.

Part of Lot 5, Block 28, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-151.

Part of Lot 4, Block 28, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-150.

Part of Lots 1 and 2, Block 28, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-147.

Part of Lot 9, and part of the south 10 feet of Lot 10, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part described in Volume 1109 of Records, Page 358, Brown County Records.

Part of tax parcel number 14-419.

Part of the north 50 feet of Lot 10, and part of the south 5 feet of Lot 11, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part described in Volume 1109 of Records, Page 359, Brown County Records.

Part of tax parcel number 14-420.

Part of the north 55 feet of Lot 11, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part described in Volume 1109 of Records, Page 360, Brown County Records.

Part of tax parcel number 14-421.

Part of Lot 12, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the easterly 6 feet for Alley.

Part of tax parcel number 14-422.

Part of Lots 13 and 14, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the easterly 6 feet for Alley.

Part of tax parcel number 14-424.

Part of Lot 15, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the easterly 6 feet for Alley.

Part of tax parcel number 14-425.

Part of Lot 16, Block 37, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting the easterly 6 feet for Alley.

Part of tax parcel number 14-426.

Part of the Public Square platted in the Plat of Astor, City of Green Bay, Brown County, Wisconsin, bounded as follows: bounded on the north by Howe Street, bounded on the west by Madison Street, bounded on the south by Moravian Street and bounded on the east by Monroe Street.

Part of tax parcel number 13-142-1.

Part of Lots 7, 8 and 9, Block 38, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-439.

Part of Lot 10, Block 38, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-442.

Part of Lot 11, Block 38, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-443.

Part of Lot 12, Block 38, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 14-444.

Part of Lot 3, Block 27, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-142.

Part of the east one-half of Lots 1 and 2, Block 27, Plat of Astor, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 13-135.

Part of Lot 1 of the Brown County Certified Survey Map number 7266, as filed in Volume 49 of Certified Survey Maps, Page 149, (being part of Lots 1 and 2, Block 26, Plat of Astor, and part of Lot 852, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 11-270.

Part of Lots 4, 5 and 6, Block 39, Plat of Astor, City of Green Bay, Brown County, Wisconsin. Excepting that part described in Brown County Jacket 5222 Image 16.

Part of tax parcel number 11-272.

Part of the southerly 106 feet of Lots 849, 850 and 851, Plat of Navarino, and part of Lot 6, Block 39, Plat of Astor, described in Brown County Jacket 5222 Image 16, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 11-246.

Part of the south 37 feet of the north 158 feet of Lots 849, 850 and 851, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 11-243.

Part of the north 121 feet of Lots 849, 850 and 851, Plat of Navarino, City of Green Bay, Brown County, Wisconsin. Excepting that part previously conveyed for street purposes.

Part of tax parcel number 11-241.

Part of the south 115 feet of Lot 710, Plat of Navarino, City of Green Bay, Brown County, Wisconsin. Excepting that part previously conveyed for street purposes.

Part of tax parcel number 11-228.

Part of the south 59 feet of Lot 685, and part of the north 50 feet of Lot 710, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 11-202.

The middle part of Lot 685, Plat of Navarino, City of Green Bay, Brown County, Wisconsin described in Volume 670 of Records, Page 134, Brown County Records.

Part of tax parcel number 11-201.

Part of the north 53 feet of Lot 685, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.

Part of tax parcel number 11-200.

Part of Lot 709, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Excepting that part previously conveyed for street purposes.
Part of tax parcel number 11-225.

Part of Lot 686, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-203.

Part of Lots 520 and 543, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-188.

Part of Lot 544, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-191.

Part of Lot 519, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-160.

Part of Lot 1 of the Brown County Certified Survey Map number 8168, as filed in Volume 57 of Certified Survey Maps, Page 33, (being part of Lot 393, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-149.

Part of Lot 2 of the Brown County Certified Survey Map number 8168, as filed in Volume 57 of Certified Survey Maps, Page 33, (being part of Lots 151 and 393, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-45.

Part of Lot 3 of the Brown County Certified Survey Map number 8168, as filed in Volume 57 of Certified Survey Maps, Page 33, (being part of Lot 151, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-44.

Part of Lots 150, 392 and 391, Plat of Navarino, and Part of Lot 1 of the Brown County Certified Survey Map number 1248, as filed in Volume 4 of Certified Survey Maps, Page 513, (being part of Lots 150, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-263.

Part of Lot 1 of the Brown County Certified Survey Map number 1291, as filed in Volume 5 of Certified Survey Maps, Page 11, (being part of Lots 150 and 235, and part of the vacated Main Street right-of-way, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-56.

Part of Lot 1 of the Brown County Certified Survey Map number 1282, as filed in Volume 4 of Certified Survey Maps, Page 589, (being part of Lots 235 and 258, and part of the vacated Alley Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-66.

Part of Lot 234 and the south 6 inches of Lot 259, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-55.

Part of the south 91 feet of Lot 259, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-92.

Part of Lot 259, Plat of Navarino, City of Green Bay, Brown County, Wisconsin, described in Brown County Volume 801 of Records, Page 446.
Part of tax parcel number 11-91.

Part of Lots 323 and 324, Plat of Navarino, City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-102.

Part of Lots 325, 326 and 326, Plat of Navarino, City of Green Bay, Brown County, Wisconsin described in Parcel II of Brown County Document Number 2189846.
Tax parcel Number 11-104.

Part of the Lot 328, Plat of Navarino, and part of Private Claim 2, East Side of the Fox River City of Green Bay, Brown County, Wisconsin, described in Brown County Document Number 2430045.
Part of tax parcel number 11-103-A.

Part of Lots 329 and 352, Plat of Navarino, City of Green Bay, Brown County, Wisconsin. Excepting that part previously conveyed for street purposes.
Part of tax parcel number 11-105.

Part of Lot 2 of the Brown County Certified Survey Map number 8230, as filed in Volume 57 of Certified Survey Maps, Page 235, (being part of Lots 353 and 376, Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-127.

Part of Outlot 1 of the Brown County Certified Survey Map number 6835, as filed in Volume 46 of Certified Survey Maps, Page 49, (being part of Lot 353, Alley Plat of Navarino), City of Green Bay, Brown County, Wisconsin.
Part of tax parcel number 11-127-1.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: None. Motion carried.

COMMITTEE OF THE WHOLE

Update on KI Convention Center Expansion Project and Parcel 12-164.

Moved by Ald. Kocha, seconded by Ald. Wiezbiskie to convene in closed session.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Tim DeWane, Kocha, Moore, Boyce, Warner, Steuer, Sladek. Noes: Nicholson. Motion carried.

Ald. Kocha read the following:

The Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Kocha, seconded by Ald. Moore to return to the regular order of business. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to adjourn at 7:55 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk